

Tom J. Cajka

From: Steve Martin <stevem@a-fan.org>
Sent: Tuesday, July 30, 2019 5:03 PM
To: Theresa Pella; Tom J. Cajka; Steve S. Henrichsen
Cc: Christy Joy; Dale Softley; John Hansen; Marijane Hancock; Paula Peterson; Steven Skoda; Tim Kalkowski; Scott Johns (Aesthetics, Inc.)
Subject: DEQ response on Manure as a hazardous waste

Hi All,

I contacted Ben Miller with NDEQ about the question of how an AFO has to clean up or decommission, if there were funds to help clean up the site and if manure really is a hazardous waste. Here is my questions and his reply.

This is from Ben

Hey Steve – All good questions.

- a. I am not aware of any money available for clean-up.
- b. Manure would not be considered a hazardous waste.
- c. Title 130 does require that all waste be cleaned and land applied at agronomic rates prior to closure of a facility.
- d. Before we revoke permit coverage for a closing operation we do perform an inspection to verify proper clean up. Until a permit has been revoked, the permit holder is on the hook for compliance with all permit requirements, this includes LWCF management and annual fee payments.
- e. Hazardous waste requirements can be found in NAC, Title 128. Here is a link: http://deq.ne.gov/RuleAndR.nsf/pages/PDF/%24FILE/T128_07.06.16.pdf

Ben

From: Steve Martin <stevem@a-fan.org>
Sent: Tuesday, July 23, 2019 3:09 PM
To: Miller, Ben <ben.miller@nebraska.gov>
Subject: AFO Clean up

Hi Ben,

The Lancaster County AFO working group met again today and a couple of questions I thought you might be able to help me understand.

1. The group is considering requiring an assurity bond or other mechanism to ensure that is an AFO were to close there would be money available to do any environmental cleanup that would/could be required. Part of this stems from a conversation that if a farmer "went broke" while running a contract operation and simply packed his backs and walked away, who would be responsible for taking care of any remaining nutrients.
 - a. Is there any kind of money available now through the state or federal government to clean up AFOs?
 - b. Is manure considered a hazardous waste?
 - c. Would the nutrient management plan have any impact or influence on what happens with a AFO that is closing (going out of business)?
 - d. Does DEQ do any kind of follow-up/post operations inspections to ensure that the manure was properly disposed of?
 - e. What is required by other industries that have hazardous waste?